

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Peter Charles Astles, et al.	
Serial No.:	10/500,517	Case No.: 22059P
Filing Date:	June 29, 2004	
For:	AZA-CYCLIC COMPOUNDS AS MODULATORS OF ACETYLCHOLINE RECEPTORS	

Examiner:
Seaman, D
Margaret M

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION

Sir:

1. This is a petition to withdraw a holding of abandonment based on the failure to receive a PTO communication pursuant to M.P.E.P. § 711.03(c) and 37 C.F.R. § 1.181.
2. The Office communication that was never received is a Notice of Allowance and Issue Fee due, having a mail date of September 19, 2007 ("Notice of Allowance").

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

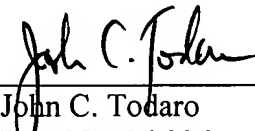
MERCK & CO., INC.

BY: *A. Reynolds* DATE: 3/17/08

3. A Notice of Abandonment for U.S. Serial No. 10/500,517 was mailed by the Office on January 16, 2008, and received by Applicants on January 18, 2008.
4. Accompanying this Petition is a Declaration of Kathleen M. Klutkowski and accompanying exhibits. Ms. Klutkowski is employed in Applicants' Legal Administration Department. Her job responsibilities include docketing U.S. patent correspondence.
5. Also accompanying this Petition is a Declaration of the undersigned (John C. Todaro). The undersigned is Applicants' attorney with current responsibilities for the subject application. The undersigned reviewed the file and docket records for the referenced patent application. Based on his review, the undersigned attests that the original Notice of Allowance was not received by Applicants.
6. If the Office denies this petition to withdraw a holding of abandonment based on the failure to receive an Office action pursuant to M.P.E.P. § 711.03(c) and 37 C.F.R. § 1.181, Applicants request that the Office alternatively treat this communication as a petition for revival of an application for patent abandoned unintentionally under 37 C.F.R. 1.137(b). In such case, any fees required in connection with this Petition may be charged to Merck Deposit Account No. 13-2755.
7. A reply to the Notice of Allowance and Issue fee due (issue fee payment) is submitted herewith. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

8. The undersigned believes that no fee is required. However, if the Office deems otherwise, any additional fees required in connection with this Petition may be taken from Merck Deposit Account No. 13-2755. The Examiner is invited to contact the undersigned attorney at the telephone number provided below if such would advance the prosecution of the case.

Respectfully submitted,

By 

John C. Todaro
Reg. No. 36,036
Attorney for Applicants

MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-0125

Date: March 17, 2008